

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 4382
Dole for President, Inc.;) MUR 4401
Dole/Kemp '96, Inc.;) MUR 4670
Dole/Kemp '96 Compliance Committee, Inc.) MUR 5098
) MUR 5099
) MUR 5170
) MUR 5171

CONCILIATION AGREEMENT

MURs 4382, 4401 and 4670 were initiated by complaints filed by the Democratic National Committee, Janet Strawder, and Mark Kleinman, respectively. MURs 5098, 5099, 5170 and 5171 were initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its responsibilities.

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation in an attempt to settle all of the above-captioned matters do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matters of this proceeding.

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in the enforcement matters.

22-04-405-4416

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Dole for President, Inc.; Dole/Kemp '96, Inc.; and Dole/Kemp '96 Compliance Committee, Inc. are political committees within the meaning of 2 U.S.C. § 431(4).

2. The Commission found reason to believe that Dole for President, Inc., ("Primary Committee") violated 2 U.S.C. §§ 434(b) and 441a(a)(1)(A). The Primary Committee contests the finding against Robert J. Dole, as treasurer, in that he is not the Treasurer of the Primary Committee.

3. The Commission found probable cause to believe that the Primary Committee violated 2 U.S.C. §§ 434(b), 441a(b)(1)(A), 441a(f); and 26 U.S.C. § 9035(a).

4. The Commission found reason to believe Dole/Kemp '96, Inc. ("General Committee") violated 2 U.S.C. §§ 434(b), 441a(b)(1)(B), 441a(f), 441b and 26 U.S.C. § 9003(b). The General Committee contests the finding against Robert J. Dole, as treasurer, in that he is not the Treasurer of the General Committee.

5. The Commission does not allege and there is no finding that Senator Robert J. Dole or Secretary Jack Kemp engaged in any wrongdoing in connection with alleged campaign violations.

V. Respondents admit the following:

- 1. The Primary Committee accepted excessive contributions from the Republican National Committee in violation of 2 U.S.C. § 441a(f) and failed to report them in violation of 2 U.S.C. § 434(b).**
- 2. The Primary Committee exceeded the overall expenditure limitation for the presidential primary elections in violation of 2 U.S.C. § 441a(b)(1)(A) and 26 U.S.C. § 9035(a).**
- 3. The Primary Committee made an excessive contribution to the General Committee in violation of 2 U.S.C. § 441a(a)(1)(A) and failed to report the contribution in violation of 2 U.S.C. § 434(b).**
- 4. The General Committee exceeded its overall expenditure limitation for the presidential general election in violation of 2 U.S.C. § 441a(b)(1)(B).**
- 5. The General Committee received contributions from the Primary Committee in violation of 2 U.S.C. § 441a(f) and 26 U.S.C. § 9003(b) and failed to report the contributions in violation of 2 U.S.C. § 434(b).**
- 6. The General Committee received contributions from Branch Banking & Trust Corporation in violation of 2 U.S.C. § 441b(a) and 26 U.S.C. § 9003(b).**

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of \$75,000 pursuant to 2 U.S.C. § 437g(a)(5)(A).

22-04-405-4419

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 90 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or

agreement, either written or oral, made by either party or by agents of either party,
that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

~~Lois G. Lerner~~ *LAURENCE H. NORTON*
Acting General Counsel

BY: *[Signature]*
Gregory R. Baker
Acting Associate General Counsel

9/28/01
Date

FOR THE RESPONDENTS:

[Signature]
Kenneth A. Gross
Berl Bernhard
Larry Levinson
Counsel for the Respondents

8/15/01
Date